

		PERINE & DICKEN PROFESSIONAL FIDUCIARIES , Co-Trustees Ronald Dicken, Patricia Dicken, and Karen Steele, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Petitioners state: On 9/17/14, the Court allowed Lauren to terminate the trust and the trustee was directed to assign to Lauren future rights in the annuities held by the trust and to retain a reserve of \$5,000.00 for final debts, taxes, and administrative costs and to provide an informal accounting on or before 3/24/15. The Trustee has now paid all remaining bills except for attorney's fees for this report and account and have distributed all assets of the trust save and except for \$3,529.23.	Note: On 9/16/14, the Court settled the Trustee's Fourth Account covering through 4/30/14, and also authorized termination of the trust, with supplemental account. Order Authorizing Termination of Trust was entered 9/17/14.
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
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	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
✓	2620(c)		
✓	Order		
		Account period: 5/1/14 through 4/15/15 Accounting: \$450,282.79 Beginning POH: \$419,304.46 Ending POH: \$ 3,529.23	1. Need receipt from the beneficiary Lauren Herzog of distributions totaling \$429,746.88.
		Trustee: \$3,952.21 (.75%, payable monthly) (\$3,360.28 has already been paid at \$329.35 per month. Petitioner requests payment of the balance of \$591.93.)	2. The Order Settling the Fourth Account entered 9/17/14 authorized attorney fees of \$2,052.00, as requested in the petition.
		Note: In addition to the trustee fees, broker fees of 1.5% are also paid to Merrill Lynch. Fees for this account period total \$3,633.97.	
		Attorney: \$1,329.00 (for 5.1 attorney hours @ \$250/hr and 0.6 bookkeeper hours @ \$90/hr, itemized at Exhibit B. Note: Time includes 2.5 estimated hours for travel to Fresno, appearance at hearing, and return travel, as well as 0.4 hours estimated time for final charges to distribute residue and close out file.)	However, the Disbursements Schedule reflects "Court approved attorney fees" of \$6,143.46 paid on 10/27/14, plus \$90.00 paid on 1/15/15 and \$36.00 paid on 4/6/15 (total \$6,269.46).
		Bond: Current bond is \$576,000.00. Petitioner requests exoneration upon proof of distribution.	<u>Need clarification.</u>
		Petitioners pray for an Order: 1. Finding that all facts stated in the petition are true and that all notices required by law have been duly given; 2. Settling the Trustee's Supplemental Account and confirming and ratifying all acts and transactions set forth therein; 3. Allowing a fee of \$3,951.21 to the Trustee for services rendered through 4/15/15 and authorizing the Trustee to receive \$591.93 as the balance of their fee not yet paid; 4. Authorizing the Trustee to pay its attorney from trust funds the sum of \$1,329.00 for attorney's fees for services rendered through the hearing of this petition and for filing proofs of distribution and exoneration of the Trustee's bond; 5. For an order discharging the Trustee and exonerating its bond upon filing proof that the sums remaining in the Trust have been distributed to the Beneficiary; and 6. For such other further relief as the court deems just.	<u>SEE ADDITIONAL PAGE</u>
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 6/3/15
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 1 - Herzog

Page 2

NEEDS/PROBLEMS/COMMENTS (Cont'd):

- 3. Attorney fee request includes .6 hours @ \$90/hr for the attorney's bookkeeper. The Court may require authority pursuant to Probate Code §2640(c), which appears to allow legal services for attorney and paralegal only, and Local Rule 7.17.B.4, which disallows clerical services as a cost of doing business.**
- 4. The Court may require clarification regarding the estimated time included in the attorney fees. Note: Travel time to and from court is considered a cost of doing business and not reimbursable. The Court may require some reduction.**
- 5. If the petition is granted as prayed, order should reflect distribution of the remaining dollar amount to the beneficiary. Local Rule 7.6.1.A.**

Age: 4		BRIANNA CUTTING , mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Termination of Guardianship</i> <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Nathan Williams (father) b. Park Williams (paternal grandfather) c. Karen Williams (paternal grandmother) d. David Hornor (maternal grandfather)
		SHARRON HORNOR , maternal grandmother, was appointed guardian on 05/24/13. – <i>Personally served on 05/06/15</i>	
Cont. from		Father: NATHAN WILLIAMS	
<input type="checkbox"/>	Aff.Sub.Wit.	Paternal grandfather: PARK WILLIAMS	
<input checked="" type="checkbox"/>	Verified	Paternal grandmother: KAREN WILLIAMS	
<input type="checkbox"/>	Inventory	Maternal grandfather: DAVID HORNOR	
<input type="checkbox"/>	PTC	Petitioner requests that the guardianship be terminated [no reason given].	
<input type="checkbox"/>	Not.Cred.	Court Investigator Jennifer Young filed a report on 06/01/15.	
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	CI Report		
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<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed on: 06/03/15
			Updates:
			Recommendation:
			File 2 - Horner

3A Amayah Garza, Genaro Montes, III, and Ayden Garza (GUARD/P)

Case No. 13CEPR00558

Atty Huitron, Claudia (Pro Per – Maternal Grandmother – Guardian of Amayah and Genaro)

Atty Garza, Priscilla (Pro Per – Mother)

Status Re: Evaluation of the Minor

		<p>CLAUDIA HUITRON, Maternal Grandmother, was appointed Guardian of minors Amayah (4) and Genaro (2) on 10-10-13, and filed a petition for guardianship of minor Ayden (6 months) on 12-10-14.</p> <p>Mother: PRISCILLA GARZA Father: JACOB RODRIGUEZ</p> <p>On 2-2-15, the Court denied the petition for guardianship of Ayden and set this status hearing regarding evaluation of the minor.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> This status hearing pertains to minor Ayden (6 months) only.</p> <p><u>Minute Order 4-27-15:</u> Ms. Garza has a new letter regarding Ayden's evaluation that needs to be filed and properly served.</p> <p><u>Note:</u> Nothing further has been filed since the last hearing.</p>
C Ont from 033015, 042715			
Aff.Sub.Wit.			
Verified			
Inventory			
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Notice of Hrg			
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Duties/Supp			
Objections			
Video Receipt			
CI Report			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 6-2-15	
		Updates:	
		Recommendation:	
		File 3A – Garza & Montes	

3A

Atty Huitron, Claudia (Pro Per – Maternal Grandmother – Guardian of Amayah and Genaro)

Atty Garza, Priscilla (Pro Per – Mother)

Status Re: Visitation

		<p>CLAUDIA HUITRON, Maternal Grandmother, was appointed Guardian of minors Amayah and Genaro on 10-10-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> This status hearing re: visitation pertains to minors Amayah and Genaro only.</p> <p><u>Minute Order 4-27-15:</u> Continued due to a late-filed document by Ms. Huitron that has not been properly served.</p>
		<p>PRISCILLA GARZA, Mother, filed a petition for termination of guardianship on 12-1-14.</p>	
Cont from 033015, 042715		<p>Father: GENARO MONTES, JR.</p>	
Aff.Sub.Wit.			
Verified		<p>On 2-2-15, the Court denied the petition and ordered visitation for Priscilla Garza (mother) and Genaro Montes, Jr. (father of Amayah and Genaro) every Saturday from 12pm - 2pm at Chuck E. Cheese, to be supervised by Cassandra Garza.</p>	
Inventory			
PTC		<p>The Court set this status hearing regarding the visitation.</p>	
Not.Cred.			
Notice of Hrg		<p>Anita Mosqueda, paternal grandmother of Amayah and Genaro, filed a declaration on 3-27-15. Ms. Mosqueda states she believes her grandkids would be in a wonderful, loving, and safe environment living with their parents and they always want to come home with them. She understands the situation, but wants to voice to the courts that she truly believes they should be at home with their parents. She feels that if not, the visits should be longer and at the house, possibly weekend visits.</p>	
Aff.Mail			
Aff.Pub.		<p>Declaration of Claudia Huitron filed 4-24-15 states parents are never on time to visits, visit schedule changed from Sat. to Sun. due to mother's employment, employment not verified. Attached are letters from Ernesto Rojas of EPU and JR Correa of Red Dragon Martial Arts.</p>	
Sp.Ntc.			
Pers.Serv.		<p>Priscilla Garza and Genaro Montes, Jr., filed declarations on 6-3-15. See Page 2.</p>	
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc

Reviewed on: 6-2-15

Updates: 6-3-15, 6-4-15

Recommendation:

File 3B – Garza & Montes

Declarations of Priscilla Garza filed 6-3-15 states she is requesting unsupervised visits and for the visits to be longer. She has been getting so much closer to her kids and it's getting better every time they see each other. Sometimes her daughter asks to stay with them and to spend the night, but she does not know how to respond to her questions. She is patient and hopes that maybe soon she can. She would like to be more involved in their school activities and things like that, and would like to be notified when they are sick or at the hospital or when something is going on with them. She is a concerned parent that misses her children and wants to help. Ms. Garza states she noticed that all of the children were graduating so she texted her mom and asked if her daughter was graduating. She replied on 5-28-15 that she was graduating from preschool and offered to switch her 2-hour weekly visit to the graduation day. Ms. Garza thought she should be able to attend both the visitation and the graduation. She feels like she is entitled to go to things like that for her kids. Attached are screenshots of the text messages.

Declaration of Genaro Montes, III filed 6-3-15 states he is requesting unsupervised visits and overnight weekends. The kids really miss them and want to come home with them every time they see them. He is currently searching for work and the mother is already employed. He feels their household is stable and safe for the children to have overnight weekend visits to enjoy some quality time.

Guardian Claudia Huitron filed a Declaration on 6-4-15 that responds to each parent's declaration. Ms. Huitron states Mr. Montes does not live in a stable or healthy environment, with reference to his father back on drugs, etc. Ms. Huitron alleges that Mr. Montes stated that while on his way to a fishing trip, he was given a break by Fresno PD for driving with a suspended license, uninsured vehicle, and with 7 people in a 5-seat car. Ms. Huitron states both children attend therapy for their parents past careless actions. Amayah is doing really good with manners, but has an issue with direction. They are still taking Parent Interaction Therapy at Comprehensive Services for Emotional Behavior. These classes would be great for the parents to attend. Ms. Huitron states Genaro III attend EPU Exceptional Parents Unlimited program for mental health, speech therapy, autistic behavior. A CAT scan will be performed in July to determine if he has transitional seizures. Amayah has appointments and other activities that the parents can get involved in.

Ms. Huitron states the mother did not notice that her children were graduating; she informed her of Amayah's ceremony and asked if she would like to change her visitation to that date. She did not realize this would cause such a problem. Ms. Huitron states Ms. Garza works and lives in Parlier five days a week and leaves Josiah Ayden Garza in Fresno with Mr. Montes. Ms. Huitron states she encourages participation with the children, but her actions will not meet the children's needs. They will be late for appointments and excuses will be made.

Ms. Huitron also provides a letter from EPU Early Childhood Specialist Amanda Ekberg.

Petitioner Moreno, Rosemary (pro per – paternal grandmother/Guardian)

Petitioner Moreno, Victoria (pro per – paternal aunt)

Petition - Appoint Guardian

Age: 9		<p>ROSEMARY MORENO and VICTORIA MORENO, paternal grandmother/guardian and paternal aunt, are Petitioners.</p> <p>ROSEMARY MORENO, paternal grandmother, was appointed guardian of Aaron on 11/13/13.</p> <p>Father: VICENTE MORENO – <i>Consent & Waiver of Notice</i> filed 04/06/15</p> <p>Mother: MARGIE MORALES-MIRELES - <i>Consent & Waiver of Notice</i> filed 04/06/15</p> <p>Paternal grandfather: DECEASED</p> <p>Maternal grandparents: UNKNOWN</p> <p>Petitioners state [see Petition for details].</p> <p>Court Investigator Samantha Henson filed a report on 06/02/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> 1. Need <i>Notice of Hearing</i>. 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent & Waiver of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for: <ol style="list-style-type: none"> a. Maternal grandparents 	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
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	Notice of Hrg			x
	Aff.Mail			x
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			n/a
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✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: JF
Reviewed on: 06/03/15
Updates:
Recommendation:
File 4 - Moreno

Attorney Pape, Jeffrey B. (for Raheleh Gohari – Trustee – Petitioner)

First Account and Report by Raheleh Gohari, Trustee; (1) Petition for Settlement;
 (2) Approval and Allowance of Trustee's and Attorneys' Fees; (3) Petition for Transfer

		<p>RAHELEH GOHARI, Daughter and Trustee with bond of \$20,000.00 and \$143,271.43 held in a blocked account, is Petitioner.</p> <p>Account period: 4/8/14 through 4/7/15 Accounting: \$163,271.43 Beginning POH: \$163,271.43 Ending POH: \$160,554.22</p> <p>Trustee: \$733.25 (for 20.95 hours @ \$35.00/hr) Petitioner states she is a registered nurse working a full time position and residing in San Diego, CA. Itemization at Exhibit B includes communication with the attorney, credit card application, setting up accounts, account management, communication with the beneficiary, account preparation.</p> <p>Attorney: \$2,500.00 (Per Local Rule 7.16.A. Itemization includes 22.80 attorney hours @ \$325/hr for communication with counsel and trustee, court appearances, bond application, communications re blocked account, fund distributions, preparation of status reports and account.)</p> <p>Petitioner states venue was originally proper in Fresno County; however, the day-to-day administration of the trust now takes place in San Diego County. Therefore, Petitioner requests the Court transfer the trust to San Diego Superior Court.</p> <p>Petitioner states the beneficiary has a disability that substantially impairs his ability to provide for his own care and constitutes a substantial handicap. Nevertheless, he is competent, drives his own car, and is able to travel to his medical appointments and pick up his medications at various pharmacies.</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><u>SEE ADDITIONAL PAGES</u></p>
Aff.Sub.Wit.			
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Notice of Hrg	x		
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CI Report			
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✓ Order			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc
Reviewed on: 6/3/15
Updates: 6/5/15
Recommendation:
File 5 - Gohari

Page 2

Petitioner states (Continued):

Accounts: The Trust consists of two bank accounts at BBVA Compass Bank in Clovis: Blocked Acct xx2697, which has a balance of \$143,271.43, and Acct xx4517, which had an original balance of \$20,000.00 (not blocked). At the time the blocked account was opened, it was Petitioner's understanding that it was an interest-bearing account; however, this was not the case. On 4/17/15, the bank corrected the blocked account to a money market account bearing interest at 0.2%. The unblocked account is a non-interest bearing account as this account is reasonably necessary for the orderly administration of the estate.

Credit Card: Petitioner states that as the pharmacies and other providers would not direct bill for the beneficiary's expenses, Petitioner allowed the beneficiary to use her credit card which had a \$600.00 monthly limit to obtain items which credit charges were then paid by the unblocked account.

Unusual Expenditures:

- i. **Pet care** – the beneficiary has a companion dog that he can no longer groom due to his hand injuries. While the dog is not a service dog, the dog serves many of the same purposes of companionship and interaction which is necessary for the beneficiary's emotional well-being.
- ii. **Automobile expenses** – While the SNT does not own the beneficiary's automobile, the automobile is almost exclusively used by the beneficiary to go to his numerous doctors' appointments and obtain medications.
- iii. **Flowers** – The expenditure for flowers \$21.65 will and should be reimbursed to the trust.
- iv. **Food** – The expenditure for food \$5.41 will and should be reimbursed to the trust.

Bond: Petitioner states based on the current value of the unblocked portion of the trust \$16,008.94, bond should be reduced to \$16,000.00.

Petitioner requests that:

1. The Court find that notice of hearing has been given as required by law;
2. The Court make an order approving, allowing, and settling the account and report as filed;
3. The Court authorize and direct Petitioner to pay herself, as trustee, \$733.25 as compensation for services rendered for the trust during the account period;
4. The Court authorize and direct Petitioner to pay Jeffrey B. Pape \$2,500.00 for legal services and costs rendered to the trustee during the account period;
5. Bond be decreased by \$4,000, for a total bond of \$16,000;
6. The Court make an order that the Farshad Gohari Special Needs Trust shall be transferred to the Superior Court, County of San Diego, after order is entered herein and shall be subject to the continuing jurisdiction of the Superior Court, County of San Diego; and
7. For such other relief as the Court deems proper.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. The beneficiary resides in Fresno. The Court may require clarification as to how a change of venue to the county in which the Trustee resides is in the beneficiary's best interest, and authority.
2. The Court may require clarification or further information regarding the use of the credit card. Petitioner states at #11 on Page 4 that she "allowed beneficiary to use her credit card which had a \$600 monthly limit to obtain items which credit charges were then paid by the unblocked account." However, Petitioner's time itemization at Exhibit B indicates a new credit card application with Chase. The Court may require filing of the credit card statements pursuant to Probate Code §2620(c), since the bank statements only show debits for payments to the credit card.
3. The Court may require clarification regarding auto expenses including typical maintenance, gas, car washes, etc., as a special need.
4. The Court may require clarification regarding the payment to "California Automobile" of \$241.65. This appears to be separate from auto insurance.
5. The Court may require clarification regarding the two line items labeled "Friant Trading Post" both on 3/14/15 for \$17.51 and \$17.31.
6. Need revised proposed order requiring payback of \$27.06 to the trust for the \$21.65 in flowers and \$5.41 in food as noted in the petition.
7. Petitioner states the amount remaining unblocked totals \$16,008.94 and requests bond be reduced to \$16,000.00. However, pursuant to Cal. Rule of Court 7.207, bond shall include cost of recovery. If unblocked total is \$16,008.94, plus the \$27.06 to be paid back to the trust, bond should be at least \$17,639.60.

First and Final Report of Administrator on Waiver of Account and Petition for Allowance of Compensation to Administrator and Attorneys for Ordinary Services and for Final Distribution

DOD: 1/1/14		ERIC C. CURRY , Son and Administrator with Full IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner states he signed a promissory note to the estate to borrow \$30,000.00, and requests to distribute the note to himself as part of his share. This transaction appears, in essence, to be a preliminary distribution without Court authorization in violation of Probate Code §11620 (petition required). The Court may require clarification. (Note: A copy of the promissory note was not provided.) 2. The Court may require clarification as to the benefit to the estate or authority re: formation of the LLC and its benefit to the estate. This transaction appears to be an exchange of estate property that would require Court authorization pursuant to Probate Code §9920. 3. The California State Board of Equalization filed a Creditor's Claim on 6/1/15 in the amount of \$9,643.19. It appears this claim may fall under Probate Code §9201 (claims arising under laws, acts, or codes). The Court may require authority to proceed with distribution or may require action on this claim pursuant to Probate Code §9250 (allowance or rejection, notice, 90 days if rejected). <u>See update on Page 2.</u> Note: If granted, the Court will set a status hearing for the filing of an informal accounting of the \$5,000.00 closing reserve pursuant to recent Court practice as follows: • Monday, Dec. 14, 2015 The status hearing may come off calendar upon review, if filed pursuant to Local Rule 7.5. The filing of such informal accounting will not generate a hearing date.
		Accounting is waived.	
		I&A: \$332,965.19	
		POH: \$306,398.91 (POH consists of \$83,398.91 cash plus an LLC formed by Administrator to hold the real property, two vehicles, and a promissory note for \$30,000.00 in favor of the estate.)	
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<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	4/21/14	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
		Administrator (Statutory): \$9,659.30 Attorney(Statutory): \$9,659.30 Closing: \$5,000.00 Petitioner states he took the following actions after having sent a notice of proposed action to all persons entitled: <ul style="list-style-type: none"> The personal representative signed a promissory note dated 12/23/14 in the amount of \$30,000.00 borrowed from estate funds and upon said distribution said note is to be distributed to Eric Curry as part of his share of the estate. The only other heir, Temma Curry, has consented to such action. The personal representative formed a California limited liability company, "4292 West Cardiff, LLC," and transferred the estate real property to the LLC in consideration of a 100% membership interest in said company. Petitioner requests that the membership interest in the LLC be transferred to the heirs. The personal representative distributed the vehicle valued at \$3,000.00 equally to the two beneficiaries, who agreed to gift the vehicle to the decedent's brother, under Probate Code §10520. 	
<input type="checkbox"/>	Aff. Posting		
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SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 6/4/15

Updates: 6/5/15

Recommendation:

File 6 - Curry

Page 2

Petitioner states notice of administration was sent to Seterus, the decedent's mortgage company, on 7/8/14. No claim was filed and the mortgage debt is secured by deed of trust. The home was appraised at \$185,000, but the outstanding principal balance on the mortgage was \$196,191.32. No payments were made by Petitioner and it was expected that foreclosure was imminent. Petitioner encouraged Seterus for over a year to foreclose on the home and on 2/13/15 a letter was received indicating that the loan was transferred to their foreclosure department. A notice of default was finally recorded on 3/20/15.

Petitioner states although they had made several contacts with Seterus, no action was taken. Petitioner caused to be filed Articles of Organization to form a limited liability company to transfer the real property asset to upon final distribution of this estate.

Petitioner also sent notice of administration to the California Board of Equalization after attorneys had several conversations with the International Fuel Tax Act agent. No claim was filed within a year. The decedent formerly owned and operated Randy Curry Trucking in California and other states. In July 2013, the decedent had an accident and stopped doing business. Additional taxes were assessed after July 2013 because the decedent did not file his IFTA forms. After several contacts with the IFTA division representatives to urge resolution, a Notice to Creditors was mailed 12/3/14, which was prior to the one-year from date of death time frame under CCP 366.2, encouraging a claim to be filed. No claim has been filed.

Distribution pursuant to intestate succession and Consent of Heirs to Proposed Distribution filed 5/26/15:**Eric C. Curry:**

- \$10,790.15 cash
- A one-half interest in the LLC known as 4292 West Cardiff, LLC
- 2005 Harley Davidson Motorcycle
- A one-half interest in the 2004 Yamaha Quad
- A 100% interest in and to that certain promissory note in the amount of \$30,000.00 executed by Eric Curry in favor of the estate

Temma Curry:

- \$48,290.15 cash
- A one-half interest in the LLC known as 4292 West Cardiff, LLC
- A one-half interest in the 2004 Yamaha Quad

Update: Points and Authorities in Support of Closing Administration of the Estate filed 6/5/15 states the State Board of Equalization filed its creditor's claim late. The last day for filing a claim was 4/3/15 and the claim is barred by CCP §366.2. Sections 9200-9205 of Probate Code provide rules for claims by public entities. §9201(b) specifies "applicable sections" under which various public entities may file claims. The applicable section for the Use Fuel Tax is R&T §8782.1, which provides that a notice of deficiency shall be mailed within four months after written request therefor, in the form required by the board, by the fiduciary of the estate or trust or by any other person liable for the tax or any portion thereof.

Notice was given to the BOE on 12/3/14. The last day for filing a claim was 4/3/15. The claim is barred. The decedent died 1/1/14 and the claim is further barred by CCP §366.2 wherein the time limitation of commencement of action after a person's death is one year.

Examiner's Note: Service of Notice of Rejection of Creditor's Claim may still be required pursuant to Probate Code §9250.

7 Gregory Lee Keys (CONS/P)Case No. 14CEPR00288

Petitioner Lambert, Elena L. (Pro Per – Conservator)

Petition - Appoint Probate Conservator of the Person

Age: 36	ELENA L. LAMBERT , cousin, is petitioner and requests that THE FRESNO COUNTY PUBLIC GUARDIAN'S OFFICE be appointed as Successor Conservator of the person, with medical consent powers. <u>Please see petition for details</u>	NEEDS/PROBLEMS/COMMENTS: Court Investigator Advised Rights on 05/18/2015.	
Cont. from			
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
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<input checked="" type="checkbox"/> Letters			
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<input type="checkbox"/> Video Receipt			
<input checked="" type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
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<input type="checkbox"/> Status Rpt			
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<input checked="" type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
		Reviewed by: LV	
		Reviewed on: 06/04/2015	
		Updates:	
		Recommendation:	
		File 7 - Keys	

Attorney Roberts, Gregory J., for Dana Kahler, former Trustee

**First and Final Account and Report of Former Trustee and
Petition for its Approval and for Authorization to Transfer Assets**

DOD: 1/17/2013		DANA KAHLER , former Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: JENNIFER KAPUR , granddaughter and sole Beneficiary (represented by Attorney Teixeira) petitioned for the removal of DANA KAHLER , and requested that he file an accounting, which was granted by the <i>Order for Removal of Trustee, Accounting, and Appointment of Successor Trustee</i> filed 3/3/2015, which Order also appointed the Successor Trustee, MATT BICKEL .
Cont. from		Account period: 3/18/2014 – 2/28/2015	
		Accounting - \$1,191,707.10	
		Beginning POH - \$1,191,155.01	
		Ending POH - \$1,154,452.04 (\$375,291.18 cash)	
<input type="checkbox"/>	Aff.Sub.Wit.		
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	Inventory		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
<input checked="" type="checkbox"/>	2620		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Trustee - Not requested Attorney - Not requested Petitioner prays for an Order: <ol style="list-style-type: none"> Settling and allowing the First Account and Report of the Trustee, and confirming the acts of Petitioner as former trustee for the Trust for this account period; and Authorizing Petitioner to transfer to the Trust the assets described [below] which are not now owned by the Trust, after deducting any final expenses of administration related to such assets: <ol style="list-style-type: none"> Cash of \$375,291.18; Real property; Loans to JK Wine Co.; 676 shares of stock; Loan to Beneficiary Jennifer Kapur. 			
			Reviewed by: LEG
			Reviewed on: 6/4/15
			Updates:
			Recommendation:
			File 8 - Kasabian

9 Carol Green (Estate) Case No. 14CEPR01009

Attorney Horton, Lisa (for Linda Green – Executor)

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 12/03/2013	LINDA GREEN , daughter, was appointed Executor with full IAEA authority without bond on 01/07/2015.	NEEDS/PROBLEMS/COMMENTS:
		1. Need <u>Final</u> Inventory and Appraisal.
Cont. from	Letters issued on 01/07/2015.	
Aff.Sub.Wit.	Partial Inventory and Appraisal No. 1 filed 05/12/2015 shows an estate valued at \$103,200.30.	
Verified		
Inventory		
PTC		
Not.Cred.	Minute Order of 01/07/2015 set this matter for the filing of the Inventory and Appraisal.	
Notice of Hrg		
Aff.Mail	Status Report filed 06/05/2015 states a partial No. 1 Inventory and Appraisal was filed 05/12/2015. This inventory contained a small savings account, the decedent's residence, vehicle, and yearbooks. This was the bulk of the assets in the estate. The Executrix has spent numerous hours going through the decedent's residence and finding bonds, coins, gemstones, and pieces of the decedent's depression glassware collection squirreled away in random places throughout the house, including with the pots and pans. Decedent had numerous boxes packed in the garage and nothing was organized. The Executrix just finished going through everything and there is a list of several bonds that were found among the decedent's stuff. The final inventory and appraisal will include the bonds, the coin collection, the household furniture and furnishings, decedent's gemstones collection, and depression era glassware collection. That is all the remaining assets of the estate to inventory. Attorney Horton states she should receive the final information on the remaining assets to inventory within the next two-three weeks. Attorney Horton asks that this matter be continued out for 60 days for further status.	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

Reviewed by: LV
Reviewed on: 06/04/2015
Updates:
Recommendation:
File 9 - Green

10 Jean Michel Irigoyen (Estate) Case No. 14CEPR01043

Attorney Teixeira, J. Stanley (for Laura Kuhne-Irigoyen – Administrator)

Probate Status Hearing RE: Filing Inventory and Appraisal

		NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR.</u> Final Inventory and Appraisal filed 05/18/2015.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LV
		Reviewed on: 06/04/2015
		Updates:
		Recommendation:
		File 10 - Irigoyen

11 James Bissell Andersen (Estate) Case No. 15CEPR00017

Attorney Bergin, Robert E, JR (for Scott James Andersen – Administrator)

Probate Status Hearing Re: Filling Inventory and Appraisal

DOD: 08/19/2013	SCOTT JAMES ANDERSEN , nephew, was appointed Administrator with Will Annexed on 02/09/2015 with full IAEA and without bond.	NEEDS/PROBLEMS/COMMENTS:
		2. The Inventory and Appraisal filed 05/06/2015 indicates in the caption that it is the "Final" however the box indicating "a portion" of the estate was checked. Is the Inventory and Appraisal filed on 05/06/2015 a portion or the final? Need clarification.
Cont. from	Letters issued on 02/10/2015.	3. Need <u>Final</u> Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Aff.Sub.Wit.	Final Inventory and Appraisal filed 05/06/2015 shows an estate valued at \$215,000.00. – Please see Examiner note #1	
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Minute Order of 02/09/2015 set this matter for hearing for the filing of the Final Inventory and Appraisal.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: LV
Status Rpt		Reviewed on: 06/04/2015
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 11 - Anderson

Attorney: Gary L. Winter (for Petitioner Jill McCool, daughter)

First Amended Petition for Appointment of Probate Conservator of the Estate
(Prob. C. 1820, 1821, 2680-2682)

NO TEMPORARY REQUESTED			NEEDS/PROBLEMS/COMMENTS:
JILL MCCOOL, daughter, is Petitioner and requests appointment as Conservator of the Estate with bond set at \$48,080.00 .			<u>Continued from 5/18/2015.</u> <i>Minute Order</i> states counsel requests 3 weeks.
~Please see Petition for details~			
Court Investigator Report was filed on 2/24/2015.			The following issues from the last hearing remain: 1. Bond is required in the sum of \$40,480.00 pursuant to Probate Code § 2320 and CA Rule of Court 7.207, based upon the estimated value of the estate. Petitioner requests and proposed order finds that bond be posted of \$48,080.00 , which sum may be more accurate depending upon the inventory and appraisal to be filed by Petitioner 90 days after her appointment. Need clarification for determining amount of Petitioner's bond. ~Please see additional page~
Cont. from 030315, 051815			
<input type="checkbox"/>	Aff.Sub.Wit.		
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<input type="checkbox"/>	Not.Cred.		
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<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Reviewed by: LEG			Reviewed on: 6/5/15 Updates: Recommendation: File 12 - Britton
Reviewed on: 6/5/15			
Updates:			
Recommendation:			

NEEDS/PROBLEMS/COMMENTS, continued:

2. *Proof of Service by Mail* of the *Notice of Hearing* filed 6/1/2015 shows notice was mailed on 5/27/2015, which is 11 days rather than 15 days before the hearing as required pursuant to Probate Code § 1822.
3. Item 21 of the proposed order is marked to authorize payment of **\$2,836.00** to Attorney Winter for legal services rendered. While the instant petition itself does not include a separate and distinct request for payment of attorney fees, the *Declaration of Gary L. Winter in Support of Petition for Conservator of the Estate and Attorney Fees* filed 4/6/2015 appears to support a request for payment of fees of **\$2,836.00** for services rendered, as it satisfactorily provides descriptions and itemizations of services performed by the attorney and his paralegal to support payment of fees. It appears pursuant to Probate Code § 2645(d)(1) and CA Rule of Court 7.751 that allowance of compensation to the attorney for conservator may be authorized at this time. However, Court may find the request for payment of attorney fees is premature pursuant to Probate Code § 2640(a) providing that the filing of the **inventory and appraisal** and the expiration of **90 days from issuance of Letters** shall precede the allowance of compensation, and the Court may order the conservator shall file the accounting before any compensation is allowed, pursuant to CA Rule of Court 7.752. In any event, a copy of the *Declaration of Gary L. Winter in Support of Petition for Conservator of the Estate and Attorney Fees* filed 4/6/2015 **must** be served with **15 days'** notice prior to hearing to all the proposed Conservatee's relatives named in Item 11 of the *Petition* pursuant to Probate Code §§ 2640(b) and 2641(a), if the Court is to consider authorizing payment of the **\$2,836.00** for attorney fees at this time.

Attorney Conkey, James L. (of Newport Beach for Judith Bolin – Petitioner – Surviving Spouse)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

DOD: 02/22/2006		JUDITH BOLIN, surviving spouse, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		No other proceedings	Continued from 5/4/2015. Minute Order [Judge Cardoza] states Petitioner advises that a copy of the will has been found, stating that the original was destroyed in a fire.
		Decedent died intestate	
Cont. from 033015, 040615, 050415		Declaration filed 03/30/2015 states petitioner and decedent were married on 03/26/2002. The property was acquired on 10/04/1988 by Bobby Jo Bolin and Donna S. Bolin, as joint tenants. Donna S. Bolin died on 04/02/1998. Property passed to Bobby Jo Bolin. Bobby Jo Bolin died on 02/22/2006, intestate. Judith Bolin succeeded to the property of Bobby Jo Bolin and through this proceeding is having the Court establish her right to the property. Judith Bolin has been living in the property since Bobby Jo Bolin's death.	Note: As of 6/5/2015, Court records show nothing has been filed since the last hearing on 5/4/2015 to address the issues on the additional page.
Aff.Sub.Wit.			
✓ Verified			Note: As of 6/5/2015, Court records show nothing has been filed since the last hearing on 5/4/2015 to address the issues on the additional page.
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w/		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
✓ Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Declaration Continuation Page attached to the Proof of Service by Mail filed 4/6/2015 states:	~Please see additional page~
		<ul style="list-style-type: none"> This is a continuation of the Declaration filed 3/4/2015 in response to examiner's notes; Petitioner was married to the Decedent on [3/4/2002, with the marriage license being issued on 3/26/2002; copy of marriage license attached to Declaration]; The property was acquired on 10/4/1988 in joint tenancy by Decedent and his wife, Donna S. Bolin, who died on 4/2/1998 (copy of joint tenancy grant deed attached to Declaration); The mortgage on the property, together with upkeep and maintenance on the property, was paid out of community funds of Decedent and Petitioner from 3/26/2002 through June 2013; The property was paid for and maintained with community property funds during their marriage and was continued to be paid for by Petitioner after Decedent died; 	
		~Please see additional page~	Reviewed by: LV / LEG Reviewed on: 6/5/15 Updates: Recommendation: File 13 – Bolin

Declaration Continuation Page attached to the Proof of Service by Mail filed 4/6/2015, continued:

- Barbara Hauser is the daughter of Decedent and his first wife, Bonnie Bolin, who was divorced from Decedent in 1964;
- Decedent didn't acquire the property in question until 24 years after his divorce from Bonnie Bolin; Decedent acquired the property when he was married to Donna Bolin;
- Barbara Hauser told Petitioner in 2006 she had no interest in the California property [subject of the instant petition], and was returning to Alex, Oklahoma;
- All of the telephone numbers, faxes, and cell numbers Barbara Hauser provided are unable to reach her since they are no longer in service.

Note: **Proof of Service by Mail filed 4/6/2015** shows a copy of the *Declaration of Judith Bolin Re Spousal Property Petition in Estate of Bobby Jo Bolin, Deceased, and Continuation Page, signed under Penalty of Perjury* was served on 4/1/2015 to the only known address (in Alex, Oklahoma) provided by the party served, **BARBARA HAUSER**, Decedent's daughter; proof of service states that Petitioner has had no contact with the party served since 2006 in spite of numerous attempts to contact her by phone.

NEEDS/PROBLEMS/COMMENTS, continued:

1. Probate Code § 13650(a) provides a surviving spouse may file a petition in the county in which the estate of the deceased spouse may be administered requesting an order that administration of all or part of the estate is not necessary for the reason that all or part of the estate is property passing to the surviving spouse. Petitioner states the property was acquired on 10/4/1988 in joint tenancy by Decedent and his wife, **DONNA S. BOLIN**, who died on 4/2/1998. Based upon that statement (and the copy of the deed provided), it appears the real property is the separate property of the Decedent from **4/2/1998 until 3/25/2002**. Petitioner's statements that during Decedent's marriage to Petitioner from **3/26/2002 until his death on 2/22/2006**, the mortgage and maintenance on the property was paid out of community funds of the Decedent and Petitioner, appear to support the allegation that some portion of the property may be community property. Petitioner's payments on the property following Decedent's death on **2/22/2006 from June 2013** do not apply to the Decedent's separate property interest and cannot be considered as part of any community property portion asserted by Petitioner. Pursuant to Probate Code § 6401(c)(2)(A), the intestate share of Petitioner is **1/2 of the real property**, with the other **1/2 passing to the Decedent's daughter, BARBARA HAUSER**, or to her issue if she is deceased. The fact that Decedent's daughter cannot be located does not change her inheritance right under intestate succession. Petitioner's allegations regarding the community property interest to which she may be entitled may allow her to use the instant spousal property petition to pass only her share of Decedent's estate pursuant to Probate Code § 13650. However, Petitioner must utilize another proceeding in conjunction with this spousal property petition to pass the share to which she is not entitled, such as a full probate of Decedent's estate, in order to pass the share of the estate to which Barbara Hauser is entitled, or may utilize another procedure in lieu of the instant spousal property petition.

Attorney: Daniel A. Bruce, of Sanger, for Petitioner Robert Sean Baker

Petition for Letters of Administration (Prob. C. 8002)

DOD: 1/13/2015		ROBERT SEAN BAKER , son, is Petitioner and requests appointment as Administrator without bond (<i>Sole heir waives bond</i>). IAEA — Not requested (IAEA not authorized by the publication filed 4/3/15) Decedent died intestate. Residence — Clovis Publication — Business Journal <u>Estimated value of the Estate:</u> Real property - \$158,685.00 Total - \$158,685.00 Probate Referee: Steven Diebert Memorandum of Points and Authorities to Support Petitioner's Position that a Bond Should Not Be Required was filed on 6/5/2015.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 5/18/2015.</u> Minute Order states counsel is advised that the Court may set bond at \$158,685.00 . (Note: All issues have been addressed.) <u>Note:</u> Petition requests neither full nor limited Independent Administration of Estates Act (IAEA) authority. Declaration of Publication filed 4/3/2015 confirms that Petitioner in fact does not seek the grant of any IAEA authority. Probate Code §§ 9610 et seq., and §§ 9650 et seq., require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted. Pursuant to Probate Code § 10401, judicial orders, authorization, approval, confirmation or instructions are required for many actions during administration, which might otherwise be accomplished without Court authorization for a personal representative with full or limited IAEA authority. Petitioner may request IAEA authority in a separate petition filed in the estate proceeding pursuant to Probate Code § 10450, with additional publication as required. <u>Note:</u> Court will set status hearings as follows: <ul style="list-style-type: none"> Monday, November 9, 2015 at 9:00 a.m. in Dept. 303 for filing of inventory and appraisal; and Tuesday, August 9, 2016 at 9:00 a.m. in Dept. 303 for filing of first account and/or petition for final distribution. Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.
Cont. from 051815			
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<input type="checkbox"/>	Notice of Hrg N/A		
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<input type="checkbox"/>	Citation		
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Petitioner: Darlene Tomiko Kawano (pro per)

Petition for Letters of Administration; Authorization to Administer Under IAEA with Limited Authority (Prob. C. 8002, 10450)

DOD: 10/12/07		DARLENE TOMIKO KAWANO, DAVID MASUMI KAWANO, INEZ SANAYA KAWANO and MARVIN KINJI KAWANO are petitioners and request appointment of DARLENE TOMIKO KAWANO as Administrator without bond. All heirs waive bond. Limited IAEA – o.k. Decedent died intestate. Residence: Fowler Publication: Fresno Business Journal <u>Estimated value of the estate:</u> Annual Income - \$ 9,000.00 Real property - \$375,000.00 Total - \$384,000.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, November 18, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, August 24, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.	
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			Reviewed by: KT Reviewed on: 6/3/15 Updates: Recommendation: File 15 - Kawano	

Attorney Winter, Gary (for Velia Juarez, Velia – Daughter – Petitioner)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA
(Prob. C. 8002, 10450)

DOD: 12/28/14		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>Amended petition filed 6/1/15 is set for hearing on 7/7/15.</p>
Cont from 050415, 051815		
✓	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
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✓	Notice of Hrg	
✓	Aff.Mail	
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	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
✓	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		<p>Reviewed by: skc</p> <p>Reviewed on: 6/2/15</p> <p>Updates: 5/13/15</p> <p>Recommendation:</p> <p>File 16 - Juarez</p>

Eliana Villarreal

Petitioner Mendoza, Ofelia (Pro Per – Petitioner – Maternal Grandmother)

Petition for Appointment of Guardian of the Person

Kayla Age: 7		<p align="center"><u>TEMPORARY EXPIRES 06/08/2015</u></p> <p>OFELIA MENDOZA, maternal grandmother, is petitioner.</p> <p align="center"><u>Please see petition for details</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> • Jose Ruiz (Paternal Grandfather of Kayla) – Unless the Court dispenses with notice. <p>Note: Declaration of Due Diligence filed 05/01/2015 states the only number she had for him is now disconnected. She last spoke to this individual in 2008 and he told her had a new family and not to bother him again.</p>	
Carlos Age:				
Eliana Age: 2				
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
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✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
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	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: LV</p> <p>Reviewed on: 06/05/2015</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17 – Ruiz & Villarreal</p>	

Attorney

Gleason, Mark J., Larson, Timothy J. and Dowling, Michael D. (for Dale L. Anderson – Trustee/Petitioner)

Attorney

Joseph, William R. (of Portland, OR for Mary P. Naman – Respondent)

Attorney

Flores, June Wyrick (of Portland, OR for Malia Naman – beneficiary)

Petition for Instructions

		DALE L. ANDERSON , sole trustee of the LESLIE R. NAMAN TRUST , is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 05/18/15</u> 1. Need Order. <u>Note:</u> Pursuant to Order on Petitioner's Ex Parte Application for Order for Publication of Notice of Hearing on Petition for Instructions filed 04/13/15, Larry Naman was provided notice by Publication. Proof of Publication was filed 05/28/15.	
		Petitioner states: 1. Evins and Dorothy Naman established the NAMAN FAMILY TRUST (the "Trust") on 05/07/87. Mr. and Mrs. Naman were the initial co-trustees and lifetime beneficiaries of Trust. 2. Mr. and Mrs. Naman had two children, Leslie Naman and Larry Naman; and four grandchildren, Seth, Monica, Willow and Malia. 3. Evins Naman died on 10/05/96. After his death and payment of certain cash gifts, the Trust was divided into three separate subtrusts: a Survivor's Trust, Marital Trust, and Bypass Trust. 4. The Survivor's Trust was funded with the entirety of Dorothy's interest in the community property and all of her separate property. The Bypass Trust was funded with the largest amount of the Trust estate that could be allocated to it without increasing the federal income tax due on Evins estate. The Marital Trust consisted of the balance of the Trust estate not otherwise allocated to the Survivor's Trust or Bypass Trust. 5. Dorothy retained the power to amend the Survivor's Trust and was granted a power of appointment over the assets in the Marital and Bypass Trusts. In the absence of amendment to the Survivor's Trust or the exercise of her power of appointment, the assets of all three subtrusts were to pass pursuant to the terms of the Bypass Trust following Dorothy's death. However, Dorothy did amend the Survivor's Trust and exercised her power of appointment.		
Cont. from 051815		Continued on Page 2		
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			w/o
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	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			x
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

6. Dorothy amended the Survivor's Trust on 02/04/2000 and again on 03/20/01. The Amended Survivor's Trust modified the disposition of the Survivor's Trust upon Dorothy's death. It provided for the disposition of certain personal effects and for certain cash bequests and also provided that after Dorothy's death, the residue of the Survivor's Trust was to be divided into two trusts for the benefit of Leslie Naman: the LESLIE NAMAN EXEMPT TRUST and LESLIE NAMAN NON-EXEMPT TRUST. Dorothy's amendment of the Survivor's Trust was motivated by a desire to minimize estate tax and generation-skipping transfer ("GST") tax liability.
7. The Exempt Trust was to consist of (i) all the property of the Survivor's Trust which is (or can be made) exempt from GST tax, and (ii) any property which is exempt from GST tax that may be allocated to the Exempt Trust pursuant to Dorothy's exercise of a special power of appointment over GST tax exempt assets (any GST tax exempt assets held by the Bypass Trust). The Amended Survivor's Trust provided that Leslie was to be the sole income beneficiary of the Exempt Trust during his lifetime and also granted him a testamentary limited power of appointment over the assets of the Exempt Trust, allowing him to appoint such assets to one or more of the group consisting of Dorothy's issue. Upon Leslie's death, any property of the Exempt Trust not appointed by him was to be allocated to Dorothy's then living issue by right of representation and held or distributed as further provided in the Amended Survivor's Trust.
8. The Amended Survivor's Trust provided that the Non-Exempt Trust was to consist of (i) the balance of the Survivor's Trust that remains after the funding of the Exempt Trust, and (ii) any property allocated to the Non-Exempt Trust pursuant to Dorothy's exercise of a special power of appointment (any GST tax non-exempt assets held by the Marital Trust). The Amended Survivor's Trust provided that Leslie was to be the sole income beneficiary of the Non-Exempt Trust during his lifetime and also granted him a testamentary limited power of appointment over the assets of the Non-Exempt Trust. Upon Leslie's death, any property of the Non-Exempt Trust not appointed by him was to be allocated to the settlor's then living issue by right of representation and held or distributed as further provided in the Amended Survivor's Trust.
9. Dorothy died on 05/21/02 and her will dated 03/20/01 was lodged with Fresno Superior Court on 07/11/02, but no probate proceeding was required. In her will, Dorothy exercised her testamentary special power of appointment over the assets of the Bypass Trust, including all of the assets that were to otherwise pour over from the Marital Trust into the Bypass Trust. The dispositive provisions of Dorothy's will related the exercise of her special power of appointment provide one share equal to \$25,000.00 worth of exempt property from the Bypass Trust to each of her grandchildren. Dorothy's will further provided that the balance of the property was to be appointed such that any property that was exempt from GST tax would be allocated to the Exempt Trust and any property that was not exempt from GST tax would be allocated to the Non-Exempt Trust.
10. While Dorothy's estate tax return was filed in 2003, various complexities prevented timely distribution from the subtrusts to the Exempt Trust and Non-Exempt Trust. Eleven years after Dorothy's death, Leslie Naman still had not completed the distributions and the complexities of the administration had only increased over time. Additionally, due to changes in the law and the anticipated size of Leslie Naman's taxable estate, the complex transfer tax planning that motivated Dorothy's division of the assets to the Exempt Trust and Non-Exempt Trust had become unnecessary.

Continued on Page 3

11. On 11/19/13, Leslie Naman filed a Petition for Order Approving Modification of Trust Terms and Instructing Trustee in Fresno Superior Court Case no. 13CEPR01018. The 2013 petition sought to amend the Amended Survivor's Trust to, among other things, eliminate the need to fund the Exempt Trust and the Non-Exempt Trust. Unfortunately, Leslie Naman died unexpectedly on 01/09/14 with the 2013 petition still pending. Following Leslie Naman's death, Petitioner, Dale Anderson, became the acting successor trustee of the Trust and subtrusts.
12. The Court granted the 2013 petition on 01/16/14, subject to waiver of Notice and consent by Petitioner, in his capacity as successor trustee. The required waiver and consent were subsequently filed with the Court and on 01/23/14 the Court issued its Order Approving Modification of Trust Terms and Instructing Trustee (the "Order").
13. The Order amended the Amended Survivor's Trust by, among other things, eliminating the Exempt Trust and Non-Exempt Trust. The amendment instead provides that following Dorothy's death, the Trust estate (including property that otherwise would have been allocated to the Exempt Trust or the Non-Exempt Trust) is to be held in a trust referred to as the Leslie R. Naman Trust. The amendment also provides that Dr. Naman was to be the sole income beneficiary of the Leslie R. Naman Trust during his life. Upon the death of Leslie Naman, the amendment provides that:

the Leslie R. Naman Trust as then constituted (including both principal and any accrued or undistributed income) shall be distributed in two shares as follows: (i) forty percent (40%) of the Leslie R. Naman Trust (the "Unrestricted Share") shall be distributed by the Trustee to such one (1) or more individuals, and on such terms and conditions, either outright, in trust or by creating further powers of appointment, as Leslie R. Naman shall appoint by a Will or a Codicil thereto specifically, referring to and exercising this general power of appointment, including his creditors and estate, and (ii) sixty percent (60%) of the Leslie R. Naman Trust (the "Restricted Share") shall be distributed by the Trustee to one (1) or more of the group consisting of the Settlor's issue and creditors of Leslie R. Naman on such terms and conditions, either outright, in trust, or by creating further powers of appointment, as Leslie R. Naman shall appoint by Will or Codicil thereto specifically referring to and exercising this power of appointment. If any of the property subject to the foregoing powers of appointment held by Leslie R. Naman is not effectively appointed by him, the property shall be allocated to the Settlor's then living issue by right of representation, and shall be held, administered and distributed as provided in Article Fifth C. below.

14. As stated above, the Unrestricted Share of the Leslie R. Naman Trust is equal to 40% of the assets and the Restricted Share is equal to 60% of the assets. Based on the contents of the 2013 petition, Petitioner is informed and believes that Leslie Naman's general power of appointment over the Unrestricted Share was intended to carry out Dorothy's intent in granting Leslie a general power of appointment over the Non-Exempt Trust. Similarly, Petitioner believes that Leslie Naman's power of appointment over the Restricted Share was intended to carry out Dorothy's intent in granting Leslie a limited power of appointment over the Exempt Trust.
15. Following Leslie Naman's death, his executor provided Petitioner with copies of his will dated 02/24/94 and two codicils thereto, dated 09/17/02 and 06/20/05.

Continued on Page 4

Article I of the First Codicil provides:

I hereby exercise my general power of appointment over the Leslie Naman Non-Exempt Trust created in Article Fifth B.2. of the Second Amended and Restated Declaration of Trust of the Dorothy J. Naman Amended Survivor's Trust dated March 30 [20], 2001 as follows:

"I appoint all my interest in the Leslie Naman Non-Exempt Trust to the Trustee of the Residuary Marital Trust established under Article VII, Residue, paragraph C. for the benefit of my wife, to be administered according to its terms. If the Leslie Naman Non-Exempt Trust owns San Luis Obispo property as the time of my death, the Trustee of the Leslie Naman Non-Exempt Trust may continue to hold such property as a sub-trust of the Trustee of the Leslie Naman Residuary Marital Trust to be administered according to the terms thereof or may convey such property to the Trustee of the Residuary Marital Trust and held as part of the whole; subject, however, to the restriction regarding distribution to the ultimate grandchild/great-grandchild beneficiaries of consultation with and approval of the Independent Trustee named in the Dorothy J. Naman Trust Article THIRTEENTH insofar as such Independent Trustee named therein is available and able to make such determination."

16. After becoming aware of the First Codicil, there were discussions between interested parties as to its effect. Petitioner believes that if the First Codicil effectively appoints the Unrestricted Share, it will pass to Mary P. Naman as trustee of the Residuary Marital Trust, established under Article VII of Leslie Naman's will, to be held for the benefit of his surviving spouse, Mary. However, petitioner believes that if the First Codicil does not effectively appoint the Unrestricted Share, the Unrestricted Share will pass to Dorothy's living issue, by right of representation, which would be the grandchildren. **Note:** It is believed that Dorothy's other son, Larry Naman, is still living; however, the Amended Survivor's Trust provides that he is to be treated as having predeceased Dorothy, without issue other than Willow.
17. Additionally, there was discussion about the effect of language contained in the First Codicil stating that the appointment was: "subject, however, to the restriction regarding distribution to the ultimate grandchild/great-grandchild beneficiaries of consultation with and approval of the Independent Trustee named in the Dorothy J. Naman Trust in Article THIRTEENTH insofar as such Independent Trustee named therein is available and able to make such determination" (the "Restriction"). The effect of the Restriction is unclear and Petitioner does not know who drafted the First Codicil. It is also unclear who the Restriction is referring to by the "ultimate grandchild/great-grandchild beneficiaries" or what rights those individuals have pursuant to the First Codicil. Because he was uncertain whether the First Codicil effectively appointed the Unrestricted Share, Petitioner sought the consent of the Leslie R. Naman Trust beneficiaries to treat the First Codicil as effectively appointing the Unrestricted Share in lieu of the Non-Exempt Trust. However, certain beneficiaries declined to provide consent.

Continued on Page 5

18. As a result of the foregoing, Petitioner is uncertain of his rights and duties regarding distribution of the Unrestricted Share. Specifically, Petitioner is uncertain whether Dr. Naman's exercise of his general power of appointment over the Non-Exempt Trust in the First Codicil has the effect of appointing the Unrestricted Share of the Leslie R. Naman Trust. Petitioner believes that resolution of this issue will determine the disposition of the assets valued at approximately \$2,000,000.00.
19. There are potentially valid arguments that the First Codicil fails to effectively exercise Leslie Naman's power of appointment over the Unrestricted Share. For example, the appointment may fail based on a strict interpretation of the documents involved. As amended by the Order, the Amended Survivor's Trust permits Leslie Naman to appoint the Unrestricted Share "by a Will or a Codicil thereto specifically referring to and exercising this general power of appointment." Technically, the First Codicil does not comply with this provision, as it instead refers to Leslie Naman's power of appointment over the "Leslie Naman Non-Exempt Trust", which is also referred to in the First Codicil as the "Leslie Naman Non-Exempt Trust created in Article Fifth B.2. of the Second Amended and Restated Declaration of Trust of the Dorothy J. Naman Amended Survivor's Trust dated March 30, 2001"
20. However, there are potentially valid arguments that the First Codicil should have the effect of appointing the Unrestricted Share. Based on the contents of the 2013 Petition, Petitioner believes that Leslie Naman's general power of appointment over the Unrestricted Share was intended to carry out Dorothy's intent in granting Leslie Naman a general power of appointment over the Non-Exempt Trust. Leslie Naman attempted to exercise his general power of appointment over the Non-Exempt Trust in the First Codicil. However, he died 14 days before this Court issued the Order, which amended the Amended Survivor's Trust to establish the Unrestricted Share. Therefore, it appears that Leslie Naman's exercise of his general power of appointment was properly documented as of the date of his death and that he had no opportunity to update the exercise to address the Order's amendment of the Amended Survivor's Trust. Under the circumstances, failing to treat the First Codicil as effectively appointing the Unrestricted Share would arguably defeat Dorothy's intent as Settlor of the Amended Survivor's Trust, as well as Leslie Naman's intent with respect to his power of appointment.
21. Additionally, the effect of the Restriction is unclear, leaving Petitioner uncertain of his rights and duties regarding distribution of the Unrestricted Share.
22. Petitioner is likely to face legal challenges and will be exposed to liability unless he receives instructions from the Court regarding distribution of the Unrestricted Share. Therefore, Petitioner seeks instruction regarding whether the First Codicil effectively exercises Leslie Naman's general power of appointment over the Unrestricted Share.
23. Specifically, Petitioner requests that the Court instruct Petitioner to take on of the following actions or to take such other actions as the Court may determine:
- Treat the First Codicil as failing to effectively appoint the Unrestricted Share and distribute the Unrestricted Share pursuant to the terms of the Amended Survivor's Trust as if the Unrestricted Share had not been appointed by Leslie Naman; or
 - Treat the First Codicil as an effective exercise of Leslie Naman's general power of appointment over the Unrestricted Share and distribute the Unrestricted Share to the trustee of the Residuary Marital Trust, pursuant to the terms of the First Codicil, as if the Unrestricted Share was the Non-Exempt Trust.
24. Additionally, if the Court instructs Petitioner to treat the First Codicil as an effective exercise of Leslie Naman's general power of appointment over the Unrestricted Share, petitioner requests that the Court either: (a) interpret the Restriction, or (b) find that the Restriction does not affect Petitioner's obligation to distribute the Unrestricted Share to the trustee of the Residuary Marital Trust, pursuant to the terms of the First Codicil.

Continued on Page 6

25. The identity and rights of the "ultimate grandchild/great-grandchild beneficiaries" described in the Restriction are unclear. Out of an abundance of caution, Petitioner is providing notice of this Petition to Dorothy's great-grandchildren in addition to her grandchildren. Petitioner believes that Dorothy's living great-grandchildren consist of Seth's minor sons, Everett and Travis, and Monica's minor daughter, Quinn. While Dorothy's great-grandchildren were all born after her death, Petitioner believes she was aware that Seth was expecting the birth of his first child. Petitioner also alleges that Mary's relationship with Seth and Monica (Leslie Naman's children from a previous marriage) is highly strained.
26. Petitioner requests that the Court determine whether appointment of a guardian ad litem is necessary to represent the interest of the great-grandchildren.

Petitioner prays for an Order:

1. Instructing Petitioner to take one of the following actions, or to take such other action as the Court may determine:
 - a. Treat the First Codicil as failing to effectively appoint the Unrestricted Share and distribute the Unrestricted Share pursuant to the terms of the Amended Survivor's Trust as if the Unrestricted Share had not been appointed by Leslie Naman; or
 - b. Treat the First Codicil as an effective exercise of Leslie Naman's general power of appointment over the Unrestricted Share and distribute the Unrestricted Share to the trustee of the Residuary Marital Trust, pursuant to the terms of the First Codicil, as if the Unrestricted Share was the Non-Exempt Trust.
2. If the event the Court instructs Petitioner to treat the First Codicil as an effective exercise of Leslie Naman's general power of appointment over the Unrestricted Share, either: (a) interpreting the Restriction, or (b) find that the Restriction does not affect Petitioner's obligation to distribute the Unrestricted Share to the trustee of the Residuary Marital Trust, pursuant to the terms of the First Codicil.
3. Determining whether appointment of a guardian ad litem is necessary to represent the interests of Dorothy's great-grandchildren.

Notice of First Appearance of Mary P. Naman, Personal Representative of the Estate of Leslie R. Naman and Response to Petition for Instructions filed 05/22/15 states: Respondent respectfully requests that the Court find that Leslie Naman properly manifested his intention to exercise his power of appointment granted to him by the Amended Survivor's Trust in the manner required by the instrument creating the power on the grounds that Leslie Naman's express intent to so exercise his powers of appointment should not be disregarded because Petitioner chose to continue to pursue the 2013 Petition following Leslie Naman's death. [Argument and Points & Authorities included in Response, see Response for details].

Notice of Appearance of Counsel on Behalf of Malia Naman, a Beneficiary of the Leslie R. Naman Trust filed 06/01/15.

Anna Hepner DOD: 4/24/08		JERRY PRUDEK , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: CONTINUED TO 7/27/15 Per Stipulation filed 6/5/15 1. Probate Code §17200(b)(7) provides that proceeding to compel account may be commenced if the trustee has failed to submit a requested account within 60 days after written request of the beneficiary and no account has been made within six months preceding the request. Petitioner states his proposed distribution was reviewed, no action taken, but does not state whether written request for account was made. If not, this petition may be premature. 2. Need order.
Aff.Sub.Wit. <input type="checkbox"/> ✓ Verified <input checked="" type="checkbox"/> Inventory <input type="checkbox"/> PTC <input type="checkbox"/> Not.Cred. <input type="checkbox"/> ✓ Notice of Hrg <input checked="" type="checkbox"/> ✓ Aff.Mail <input checked="" type="checkbox"/> W Aff.Pub. <input type="checkbox"/> Sp.Ntc. <input type="checkbox"/> Pers.Serv. <input type="checkbox"/> Conf. Screen <input type="checkbox"/> Letters <input type="checkbox"/> Duties/Supp <input type="checkbox"/> Objections <input type="checkbox"/> Video Receipt <input type="checkbox"/> CI Report <input type="checkbox"/> 9202 <input type="checkbox"/> Order <input checked="" type="checkbox"/> X Aff. Posting <input type="checkbox"/> Status Rpt <input type="checkbox"/> UCCJEA <input type="checkbox"/> Citation <input type="checkbox"/> FTB Notice <input type="checkbox"/>		<p>Petitioner states GLENN J. HEPNER, JIMMY A. HEPNER, GEORGE HEPNER, JR., and DOLLIE SIMPSON have served as successor trustees since the death of their mother. The trust holds various acreage in Fresno County. Other assets are unknown.</p> <p>Petitioner alleges that the co-trustees have reviewed a proposal for distribution as set forth on Exhibit B. No action has been taken to effect such distribution due to lack of agreement among the co-trustees.</p> <p>The beneficiaries are Glenn J. Hepner, Jimmy A. Hepner, and George Hepner, Jr., each as to a 1/4 interest, and Dolly Simpson and Jerry Prudek each as to a 1/8 interest. Jerry Prudek is successor to Evelyn Prudek.</p> <p>Petitioner requests distribution in accordance with the First Amendments, which provides that "if my children are unable to agree on how the property is to managed or divided, then the property shall be sold and the proceeds divided in the proportions indicated above."</p> <p>Petitioner requests a full and complete accounting in accordance with Probate Code §16063 pursuant to Probate Code §16062, 16063, and 17200. Further administration of trust assets is not necessary, and the remaining assets should be liquidated and distributed.</p> <p>Petitioner prays for relief against the co-trustees as follows:</p> <ol style="list-style-type: none"> 1. An order compelling the successor trustees to account for any trust assets collected or received by them; 2. An order settling the accounts and passing upon the acts of each of the co-trustees; 3. An order determining to whom property shall pass or be delivered upon termination of the trust; 4. An order for termination of the trust; 5. For such other and further relief as the Court may deem just, equitable, and proper. 	
		Reviewed by: skc Reviewed on: 6/5/15 Updates: Recommendation: File 19 - Hepner	

Attorney

LeVan, Nancy J. (for Ginger Webster – Daughter – Petitioner)

Attorney

Adams, Jon P. (for A. Daryl Webster – Son – Objector)

Attorney

Istanboulian, Flora (Court appointed for proposed Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate

			<u>See Petition and Objections for details.</u>	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Petitioner resides in Keifer, OK. Court Investigator advised rights on 5/27/15 Voting rights affected – need minute order 1. If granted, need bond of \$277,935.90. 2. Pursuant to Probate Code §2352, a petition to fix residence outside the State of California may be necessary if Petitioner intends to move Mr. Webster to Oklahoma, and a conservatorship or its equivalent will need to be commenced there.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 6/5/15	
			Updates:	
			Recommendation:	
			File 20B - Webster	

Pro Per Petitioner Kenneth Eugene Barger, son

Petition for Probate of Will and for Letters Testamentary

DOD: 4/9/2015	KENNETH RALPH BARGER , son and named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Need copy of the Will to be attached to the <i>Petition</i> as <i>Attachment 3e(2)</i> . [Note: Original Will was deposited on 4/29/2015.] 2. Decedent's Will is not self-proving. Need <i>Proof of Subscribing Witness</i> to the will pursuant to Probate Code § 8220. 3. Need <i>Notice of Petition to Administer Estate</i> and proof of mailed notice pursuant to Probate Code § 8110 for SHIRLEY DIANE STINEBISER , daughter. 4. Need <i>Affidavit of Publication</i> pursuant to Probate Code §§ 8120 – 8124, and Local Rule 7.9. ~Please see additional page~
Cont. from	Full IAEA: Need publication	
Aff.Sub.Wit.		
✓ Verified	Will Dated: 3/25/2015	
Inventory		
PTC	Residence: Fresno	
Not.Cred.		
Notice of Hrg	Publication: Need publication	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.	Estimated value of the Estate:	
Pers.Serv.	Real property - \$300,000.00	
Conf. Screen	Personal property - \$ 500.00	
✓ Letters	Total - \$300,500.00	
✓ Duties/Supp	Probate Referee: Rick Smith	
Objections		
Video Receipt		
CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 6/5/15
		Updates:
		Recommendation:
		File 21 – Barger

NEEDS/PROBLEMS/COMMENTS, continued:

5. Item 5(a)(2)(b) states Decedent's spouse is deceased. Item 8 of the *Petition* does not include the name and date of death of Decedent's deceased spouse pursuant to Local Rule 7.1.1(D) which provides that if a beneficiary, heir, child, spouse or registered domestic partner in any action before the Probate Court is deceased, that person's date of death shall be included in the petition.
6. Item 5(a) of the *Petition* is incomplete as to (3) or (4) re: registered domestic partner, and (7) or (8) re: issue of a predeceased child.

**Petition for Probate of Will and for Letters Testamentary. Authorization to Administer
Under the Independent Administration of Estate Act**

DOD:3/15/15		MICHELLE NEAL , Daughter and named executor without bond, is Petitioner. Full IAEA – ok Will dated 8/6/99 Residence: Clovis Publication: Business Journal Estimated value of estate: Personal property: \$1,000.00 Annual income: \$15,804.88 Real property: \$171,301.00 Probate Referee: Steven Diebert.	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, November 18, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, August 24, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.	
<input type="checkbox"/>	Aff.Sub.Wit.			S/P
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
Reviewed by: skc				
Reviewed on: 6/5/15				
Updates:				
Recommendation:				
File 22 - Prezioso				

Petition for Letters of Administration; Authorization to Administer Under the Independent Administration of Estates Act

DOD: 4/15/15		BRAD JACOBSON , Son, is Petitioner and requests appointment as Administrator with Full IAEA without bond. Waivers provided by all but one heir; however, they are not on Judicial Council form. Full IAEA – ok Decedent died intestate Residence: Fresno Publication: Business Journal	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Petition to Administer Estate and service on all persons entitled pursuant to Probate Code §8110. 2. Need date of death of the decedent's deceased spouse pursuant to Local Rule 7.1.1.D. 3. Petition is blank at #5.a. (7) and (8). Was the decedent survived by issue of a predeceased child or no issue of a predeceased child? 4. Petitioner states the decedent was survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier, and lists three stepchildren at #8. The Court may require clarification or further information. 5. Need waiver of bond on mandatory Judicial Council form DE-142 for all heirs. (Petitioner filed waivers from some heirs, but did not use the new mandatory form, which includes important information for the heir. Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, July 29, 2015 at 9:00 a.m. in Department 303, for the filing of bond, if required. Wednesday, November 18, 2015 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, August 24, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg	<input checked="" type="checkbox"/>	Estimated value of estate: Personal property: Unknown Annual income from real property: \$360,000.00 Real property: Unknown Probate Referee: Steven Diebert	
<input type="checkbox"/> Aff.Mail	<input checked="" type="checkbox"/>		
<input checked="" type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report		Reviewed by: skc Reviewed on: 6/5/15 Updates: Recommendation: File 23 - Craig	
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

24 Jaden Ledesma, Paige Ledesma, Audrina Espana (GUARD/P)

Case No. 15CEPR00534

Petitioner Montijo, Victor Manuel (Pro Per – Maternal Grandparents)

Petitioner Montijo, Mary (Pro Per – Maternal Grandparents)

Petition for Appointment of Temporary Guardian of the Person

			<u>TEMPORARY GRANTED EX PARTE</u> <u>EXPIRES 06/08/2015</u>	NEEDS/PROBLEMS/COMMENTS:
Cont. from				
	Aff.Sub.Wit.		VICTOR MANUEL MONTIJO , and MARY MONTIJO , maternal grandparents, are petitioners. <u>Please see petition for details</u>	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	n/a		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	n/a		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. If diligence is not found, need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing pursuant to Probate Code §2250(e) on: - Lorraine Crystal Navarette (Mother)
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 6/2/15	
			Updates:	
			Recommendation:	
			File 25 - Navarette	

Petition for Appointment of Temporary Guardian of the Person

Age: 16		<u>GENERAL HEARING: 07/13/15</u>		NEEDS/PROBLEMS/COMMENTS:	
		CASSANDRA REAL, non-relative (brother's girlfriend), is Petitioner.		<u>CONTINUED FROM 06/01/15</u> Minute Order from 06/01/15 states: Matter is continued so that the current guardian, Dolores Perez, can make a telephonic appearance.	
		Current Guardian: DOLORES PEREZ – personally served on 05/21/15		<u>Notes:</u> Petitioner has also filed a Petition for Termination of Guardianship that is set for hearing on 07/13/15.	
Cont. from 060815				Dolores Perez, maternal aunt, was appointed as Guardian on 11/01/12. Letter from Ms. Perez attached to general guardianship petition supports Cassandra Real's petition.	
	Aff.Sub.Wit.			Tony Corrales, brother, is a co-petitioner on the general guardianship petition, but not the temporary petition.	
✓	Verified		Father: PEDRO GARCIA - deceased	1. This petition for guardianship appears premature as there is a current guardian in place.	
	Inventory		Mother: RUBY ZERMENO – personally served on 05/21/15	2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for: a. Martin Garcia (minor)	
	PTC		Paternal grandparents: NOT LISTED		
	Not.Cred.		Maternal grandfather: RUBEN CORRALES – deceased		
	Notice of Hrg	x	Maternal grandmother: YVONNE RIOS		
	Aff.Mail		Sibling: TONY CORRALES		
	Aff.Pub.		Petitioner states [see Petition for details].		
	Sp.Ntc.				
	Pers.Serv.	x			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting			Reviewed by: JF	
	Status Rpt			Reviewed on: 06/03/15	
✓	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 26 - Garcia	

Petitioner Hernandez, Margaret (Pro Per – Paternal Grandmother)

Objector Miller, Carmen (Pro Per – Mother)

Petition for Appointment of Guardian of the Person

Age: 4		<u>TEMPORARY EXPIRES 06/08/2015</u>		NEEDS/PROBLEMS/COMMENTS:
		MARGARET HERNANDEZ, paternal grandmother, is petitioner.		
		<u>Please see file for details</u>		Minute Order of 06/01/2015: The Court orders Carmen Miller to report to Global Drug Testing forthwith and submit to a drug test. Margaret Hernandez is to report as well and pay 100% of the cost. The results are to be brought to the Court on 06/08/2015. Ms. Hernandez is also to bring all paperwork with regard to her referral to CPS and any doctor reports stemming from that referral. The Court orders that neither Andrew P. Fuentes, Jr., father, no any other males are allowed to be in the home between now and 06/08/2015. Temporary Letters are to issue forthwith.
Cont. from 042015				
	Aff.Sub.Wit.			Minute Order of 04/20/2015: Examiner notes handed in open Court.
✓	Verified			
	Inventory			The following issues still remain:
	PTC			
	Not.Cred.			1. Notice of Hearing filed 05/12/2015 showing personal service on Andrew P. Fuentes, Jr. (Father) and Carmen Miller (Mother) provides a hearing date of 04/20/2015. Need new notice of hearing with correct hearing date.
✓	Notice of Hrg			
	Aff.Mail		X	Please see additional page
	Aff.Pub.			
	Sp.Ntc.			Reviewed by: LV
✓	Pers.Serv.			
✓	Conf. Screen			Reviewed on: 06/04/2015
✓	Letters			
✓	Duties/Supp			Updates:
	Objections			
	Video Receipt			Recommendation:
✓	CI Report			
	9202			File 27 - Fuentes
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

NEEDS/PROBLEMS/COMMENTS continued:

2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice for:
 - Andrew P. Fuentes, Jr. (Father)
 - Carmen Miller (Mother)
3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:
 - Andrew P. Fuentes (Paternal Grandfather)- Unless the Court dispenses with notice.

Note: Declaration of Due Diligence is incomplete.

- Maternal Grandmother (Not Listed)
4. UCCJEA is incomplete. Need minor's residence information for the past 5 years.